

Summary of Minnesota Rules Changes Effective for the 2014 State Primary

The Minnesota Secretary of State (SOS) proposed, and recently approved, revisions to state administrative rules related to the conduct of elections to align with recent statutory changes. Following is a summary of some of those statutory and administrative rule changes that will impact the City of Minneapolis.

Chapter 131, H.F. 894 (Omnibus Elections Bill)

Article 1 – Absentee Voting

- Eliminates requirement for a statutory “reason” to request an absentee ballot request (authorizes use of “No Excuse” Absentee Balloting).
- Extends “No Excuse” to permanent AB requestors.
- Authorizes Absentee Ballot (AB) Board to process accepted ABs beginning close-of-business seven days prior to the election (rather than four days prior); i.e., the Tuesday one week prior to the election.
- Rosters must be marked for all ABs accepted by close-of-business on the seventh day prior to the election.

[NOTE: “No Excuse” Absentee Balloting becomes effective in conjunction with the 2014 Primary.]

Article 2 – Election Administration

- Vouching limit is reduced, from 15 to 8.
- All absentee balloting periods are uniformly set at 46 days (except for townships).
- Minimum staffing required in precincts is 3 election judges (down from 4), except for state general elections which retain a minimum of 4 elections judges per precinct.
[NOTE: No impact anticipated to Minneapolis, due to City-specific staffing model.]
- Thresholds for automatic recounts were reduced.
[NOTE: For details, see 2013 Municipal Election Report, pages 2-3.]
- No municipal special election may be held within 56 days after the state general election.
- School elections may not be held during the 56 days before or 56 days after a regularly-scheduled primary or general election.
[NOTE: Minneapolis administers elections for Special School District No. 1 (MPLS).]
- Municipal clerk’s office must be open until 5 p.m. on the last day of filing.
- Post-election reviews will have absentee and poll ballots counted together.

Article 4 – Electronic Rosters

- 2013 pilot project completed, involved precincts in Dilworth, Minnetonka, Moorhead, St. Anthony, and St. Paul. Electronic Roster Task Force appointed June 1, 2013; included diverse representation of key stakeholders, including Grace Wachlarowicz, Minneapolis Assistant City Clerk/Director of Elections & Voter Services. Task Force issued its report January 2014.
- Propose a second project in 2014, to include Minneapolis, focused on evaluating empirical evidence on differences between paper-based and electronic roster books. Senate recently stripped all funding for this second project out of the bill.

Article 5 – Vacancy in Nomination (effective May 24, 2013)

For non-partisan offices (municipal elections):

- Vacancy is declared to exist in the office when only 1 or 2 candidates have filed and there is a withdrawal during the normal period, or where there is a death on or before 79 days prior to the general election.
- Mandates a 5-day filing period, which includes a 2-day post filing period withdrawal timeframe.

Administrative Rules & Regulations

Eligible Minnesota voters are required to register to vote including proof of identity and residency. The most common document is a current Minnesota driver's license or ID with current address. If the voter does not have this, the State authorizes the use of other documents that prove identity and residency.

Currently, the authorized forms for identification that may be used to register to vote include:

Approved documents for Proof of Identity:

- Driver's licenses and ID cards from other states: These IDs accurately confirm identity, and federal law requires all states to maintain minimum uniform standards for licenses. These forms of ID are used by a majority of other same-day registration states.
- High school student photo IDs: Like the already-approved use of university IDs, many high schools issue IDs. The use of these IDs for students 18 and older is made more relevant as data show a growing trend of teenagers delaying driver's licensure.

Any of the accepted forms of ID plus a "utility bill" have been accepted in the past to allow an eligible voter to register.

New administrative rules expand the range of authorized documents which may be used for the purpose of registering to vote. The expansion of authorized identification documents which potential voters may use is intended to reduce barriers for by eligible voters; specifically, to enhance Election Day registration:

- Authorize common documents that voters often bring to the polling place to register;
- Authorize new options for voters who rent but do not have utility bills that prove residence; and

- Additional EDR proofs of residence:

- Photo ID + "bill"

- Additional Photo IDs: Learner's permit; out-of-state driver's license or ID; or secondary student ID card
- Additional types of allowable "bills": start of service notifications; credit card or banking services; rent or mortgage payments
- New types of allowable "bills": residential lease or residential lease agreement

NOTES: Banking or credit card statements: Election officials report these items as the most common documents voters bring to the polling place, and they are often the only form of proof (other than vouching) that many students possess. Banking statements are currently used in Idaho, Iowa, Maine, Washington, D.C., and Wisconsin. These documents include both the voter's name and address, and are generally sent monthly like other previously approved bills used to verify residence.

Rent or mortgage statements and residential lease/rental agreements: These items are inherently tied to residence, and election officials report that they are often brought to the polling place. Also, voters have cited confusion as to why these documents were not accepted previously. Idaho, Iowa, Maine and Wisconsin accept either rent statements or residential lease agreements. These items also make sense in cases where utilities are included in the rent. As a result, these voters lack utility bills as a form of residence proof. In addition, these documents would support voters who live with another tenant who has the utility bills under their name.

- Allowable types of "bills" may be provided in printed copy or electronically by displaying the bill on a voter's portable electronic device

NOTES: Formalize the current practice of accepting an electronic print-out copy of a bill, or the display of a bill on a portable electronic device (such as a smartphone, tablet or laptop computer).

On February 28, Administrative Law Judge Eric L. Lipman recommended nearly all of the rules proposed by the Secretary of State. Subsequently, on March 10, 2014, Chief Administrative Law Judge Tammy L. Pust submitted approval of the Report of The Administrative Law Judge.

This is a dramatic change in recent years regarding the expansion of authorized documents which voters can use to register on Election Day. It will enable more eligible citizens the opportunity to vote. It will, however, affect the Elections & Voter Services Division's planning and administration of the 2014 Gubernatorial Election. In addition to updating necessary forms—both paper and electronic versions—the election judge training program will have to be updated and modified to reflect these new rules and regulations. The level of and strategies for Voter Outreach & Education (VOE) must also be considered.

For reference, the summary of the new rules changes can be found at:

<http://www.sos.state.mn.us/index.aspx?page=1743>. That page includes just about everything, from the rules proposal to the reports of the Administrative and Chief Administrative Law Judges.